

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
FRIDAY, DECEMBER 3, 1999 CONTINUED**

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Crim. THE PEOPLE
No. v.
C029392 RODNEY DUANE ALLEN
THE COURT:

The opinion in the above-entitled matter filed on November 15, 1999, was not certified for publication in the Official reports. For good cause it now appears that the opinion should be published in the official Reports and it is so ordered. (CERTIFIED FOR PUBLICATION)

FOR THE COURT: SIMS, Acting P.J.
CALLAHAN, J.
HULL, J.

MONDAY, DECEMBER 6, 1999

Civil TAHOE FOREST HOSPITAL DISTRICT
No. v.
C033978 MICHAEL JAMES JUTSKO
BY THE COURT:

Respondent' motion to dismiss the appeal is granted. The notice of appeal filed October 22, 1999, is dismissed. Since it appears that the complaint between these two parties is still pending, there is no single final judgment. (9 Witkin, Cal. Procedure (4th ed. 1997) Appeal, section 74, p. 129.)

December 6, 1999

SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C032172 KENNETH WALTERS

The judgment is affirmed.

SIMS, Acting P.J.

We concur: NICHOLSON, J.
KOLKEY, J.

MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, DECEMBER 6, 1999, CONTINUED

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Crim. THE PEOPLE (Not for Publication)
No. v.
C028143 DENNIS DONNELL ROBERTSON
The judgment is affirmed.
SCOTLAND, P.J.
We concur: DAVIS, J.
KOLKEY, J.

TUESDAY, DECEMBER 7, 1999

Crim. THE PEOPLE (Not for Publication)
No. v.
C030007 THURMAN UPCHURCH
The judgment is affirmed.
SCOTLAND, P.J.
We concur: SIMS, J.
MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C032318 CHRISTOPHER J. XIMENEZ
The judgment is affirmed.
MORRISON, J.
We concur: NICHOLSON, Acting P.J.
CALLAHAN, J.

Juvenile In re SABRINA P., a Person Coming Under the Juvenile Court Law

DEPARTMENT OF HEALTH AND HUMAN SERVICES
No. v. (Not for Publication)
C033259 TIFANEY P.
The orders of the juvenile court terminating appellant's parental
rights is affirmed.
RAYE, J.
We concur: SIMS, Acting P.J.
KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, DECEMBER 7, 1999, CONTINUED**

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Crim.
No.
C031492

THE PEOPLE
v.
DENNIS RAY HARDER
The judgment is affirmed.

We concur: SCOTLAND, P.J.
MORRISON, J.

(Not for Publication)

DAVIS, J.

MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, DECEMBER 8, 1999

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At 10:00 a.m., the court met in a special session at the Sacramento Community Center for the purpose of admission of new attorneys to the California State Bar.

PRESENT: HONORABLE ARTHUR SCOTLAND, Presiding Justice
HONORABLE VANCE W. RAYE, Associate Justice
HONORABLE HARRY HULL, JR., Associate Justice

Deena C. Fawcett, Assistant Clerk/Administrator
Brad Conrad, Bailiff
Theresa Pherigo, Administrative Specialist

Seating of State and local Bar representatives.

Court called to by Brad Conrad.

Presiding Justice Arthur G. Scotland welcomes admittees and introduces speakers.

Ms Anne E. Sheehan, Representing the Committee of Bar Examiners of the California State Bar, speaks to admittees and presents motion for admission.

Mr. James R. Greiner Board of Governors of the California State Bar, speaks to admittees.

Mr. Bruce Kline, Incoming President of the Sacramento County Bar Association, speaks to admittees.

Associate Justice Vance W. Raye speaks to admittees.

Associate Justice Harry E. Hull, Jr., speaks to admittees and reads from Section 6068 of the Business & Professions Code.

Presiding Justice Arthur G. Scotland speaks to admittees, rules on motion for admission, and directs clerk to administer oath.

Oath administered by Ms. Deena C. Fawcett, Assistant Clerk/Administrator.

Court adjourns.

MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, DECEMBER 8, 1999, CONTINUED

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MISC. ORDER
99-09

BY THE COURT:

Associate Justice Richard M. Sims III is appointed to serve as Acting Presiding Justice to discharge the duties described in Rules 75, 76, 77 and 78 of the California Rules of Court during the absence of the Presiding Justice from the court on December 9, 1999, or until his return. (See Cal. Const. Art 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

Civil JAMES ALEXANDER
No. v.
C033652 L. DIGGS et al.

BY THE COURT:

Appellant having failed to comply with this court's order of November 18, 1999, in C034084, Alexander v. The Superior Court of Lassen County; Diggs, the appeal filed September 8, 1999, is dismissed.
Dated: December 8, 1999

SCOTLAND, P.J.

Civil MARLENE TERRY BRENT
No. v.
C033712 ROBERT O'HAIR AND WOODRUFF, O'HAIR & POSNER INC.

BY THE COURT:

Pursuant to the written request of the appellant, the appeal filed September 21, 1999, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)
Dated: December 8, 1999

SCOTLAND, P.J.

Civil FNB MORTGAGE CORP. et al
No. v.
C030439 PACIFIC GENERAL GROUP

The judgment is affirmed. Respondent shall recover his costs on appeal. (CERTIFIED FOR PARTIAL PUBLICATION)

KOLKEY, J.

We concur: SIMS, Acting P.J.
 CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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WEDNESDAY, DECEMBER 8, 1999 CONTINUED

Crim. THE PEOPLE (Not for Publication)
No. v.
C030488 WAYNE EVAN MORRIS

The sentence imposed on count 5 (Veh. Code, § 2800.2), is hereby stayed (§ 654). The judgment is otherwise affirmed. The trial court shall prepare an amended abstract of judgment showing such stay and shall a copy of the same to the Department of Corrections.

SIMS, J.

We concur: BLEASE, Acting P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031720 RICHARD KASSIDY BENDE

The judgment is affirmed.

KOLKEY, J.

We concur: SIMS, Acting P.J.
RAYE, J

Juvenile In re KYREN W., a Person Coming Under the Juvenile Court Law.

SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES

No. v.
C033444 KRISTOPHER W.

The orders of the juvenile court are affirmed.

SIMS, Acting P.J.

We concur: RAYE, J.
KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030211 STEPHEN WAYNE MURPHY

The judgment is affirmed.

BLEASE, Acting P.J.

I concur: NICHOLSON, J.
I concur in the opinion except for part II where I concur in the result.
SIMS, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSDAY, DECEMBER 9, 1999**

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Civil JUNE E. McKEON
No. v.
C033634 MERCY HEALTHCARE SACRAMENTO
BY THE COURT:

On the court's own motion the appeal filed September 13, 1999, is dismissed. (See Modica v. Merin (1991) 234 Cal. App. 3d 1072). It is further ordered that appellant's motion for judicial notice is denied as moot. The clerk of the court is directed to return to the appellant the material provided with the motion for judicial notice.

Dated: DECEMBER 9, 1999

SIMS, Acting P.J.

Civil MICHAEL POWERS (Not for Publication)
No. v.
C030658 COUNTY OF ALPINE et al.
The judgment is affirmed.

MORRISON, J.

We concur: BLEASE, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029999 RONALD EDWARD CAUDEL

Defendant's conviction for assault with intent to commit rape (■220) (count three) is reversed. We remand for resentencing to permit the court to clarify whether sentence was imposed under section 1170.1 (in which case section 654 applies) or section 667.6, subdivision (c) (in which case section 654 would not bar punishment for false imprisonment), and in accordance with this opinion to impose the proper sentence thereunder. In all other respects, the judgment is affirmed.

HULL, J.

We concur: DAVIS, Acting P.J.
 KOLKEY, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
DECEMBER 9, 1999, CONTINUED**

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Crim. THE PEOPLE (Not for Publication)
No. v.
C029875 MARJORY DARNELL MANN
The judgment is affirmed.
We concur: SCOTLAND, P.J.
NICHOLSON, J.
KOLKEY, J.